

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:16-cr-00153 CDP (NCC)
)	
STUART B. MILLNER,)	
)	
Defendant.)	

MOTION FOR A PROTECTIVE ORDER

COMES NOW the United States of America, by and through its attorney, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Richard E. Finneran, Assistant United States Attorney for said District, and moves this Court, pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure for an Order protecting certain disclosures to be made by the United States in the above-captioned matter. In support thereof, the United States states and alleges as follows:

1. The United States is in possession of documents produced to it by Berry Plastics Corporation (“Berry Plastics”) in connection with the above-captioned case. Berry Plastics has informed the United States that the documents contain confidential and proprietary information that may not be appropriate for public disclosure. The United States, however, seeks to provide Defendant Stuart Millner access to said documents in connection with discovery in the case. The United States has therefore consulted with both counsel for Berry Plastics Corporation and counsel for Defendant Stuart Millner and obtained their agreement to the enclosed protective order concerning the production of such materials.

2. Federal Rule of Criminal Procedure 16(d) provides that the Court may, for good cause shown, restrict the discovery or inspection of materials described under Rule 16.

3. The United States therefore requests this Court enter an Order prohibiting the Defendant or his attorney from disclosing, releasing, or otherwise disseminating documents obtained from Berry Plastics, except that counsel may make such evidence available for viewing by (1) the Defendant; (2) other counsel of record in the pending case; (3) any associate attorney, paralegal, stenographic or clerical employee involved in the defense of this case; (4) any independent experts as may be selected by defense counsel to furnish technical or expert services or give testimony in this case; and (5) other persons upon further Order of this Court. All such documents produced by the United States shall be marked with a **BERRY**_ Bates stamp in order to facilitate their identification by the Defendant and his attorney.

4. The United States further requests this Court to enter an Order directing that each of the individuals to whom disclosure is made pursuant to the above provision shall be provided a copy of the protective order and be advised of the necessity of complying therewith.

5. A proposed order is enclosed herewith.

WHEREFORE the United States, without objection from the Defendant, prays that the Court enter the enclosed protective order, and for such other and further relief as the Court deems just and proper.

Dated: April 22, 2016

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ Richard E. Finneran

RICHARD E. FINNERAN, #60768MO
Assistant United States Attorneys
111 South 10th Street, 20th Floor
St. Louis, MO 63102
(314) 539-2200

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2016, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon counsel of record.

/s/ Richard E. Finneran

RICHARD E. FINNERAN, #60768MO